

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-37 remain pending in the present application. Claims 1, 13, 18, 22 and 30 have been amended. New Claims 38-41 are added. Support for the new claims and the amendments can be found at least at page 31 lines 11-13 of the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: the Abstract is objected to; the Disclosure is objected to; Claim 13 is objected to; Claims 1-5, 13-15, 18-19, 22, 30 and 33 stand rejected under 35 U.S.C. § 102 as being anticipated by Hogan (U.S. Patent No. 5,828,754); and, Claims 7-10 and 16-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hogan in view of Ido et al. (U.S. Patent No. 5,852,520, hereinafter Ido).

Applicants thank the Examiner and the Examiner's supervisor for the courtesy of the interview extended to the Applicants' representative on June 7, 2006. During the interview, the rejections noted in the outstanding Office Action were discussed. However, no agreement was reached pending the Examiner's further review on a response as filed. Comments presented during the interview are reiterated below.

### OBJECTIONS TO THE SPECIFICATION

The Official Action has objected to the length of the Abstract. As such, Applicants have amended the Abstract to limit the word count.

Accordingly, Applicants respectfully request that this objection be withdrawn.

The Official Action has objected to the Disclosure based on typographical errors. The Disclosure has been amended to address the noted informalities. Accordingly, Applicants respectfully request that this objection be withdrawn.

OBJECTION TO THE CLAIMS

The Official Action has objected to Claim 13 based on a typographical error. Claim 13 has been amended to address the noted informality. Accordingly, Applicants respectfully request that the objection to Claim 13 be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 1-5, 13-15, 18-19, 22, 30 and 33 under 35 U.S.C. § 102 as being anticipated by Hogan. The Official Action contends that Hogan discloses all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

By way of background, optical discs in accordance with the CD standard such as a CD-DA disc, a CD-ROM disc, a CD-R disc, and a CD-RW disc are increasingly embraced in the marketplace. Typically, MP3 (MPEG Audio Layer-3) and ATRAC (Adaptive Transform Acoustic Coding) 3 audio compression is employed for audio data. However, data recorded in these formats can be easily copied. Thus, copyright protection countermeasures are necessary to protect content data of a CD from being recorded.<sup>1</sup>

In light of the above deficiencies in the art, the present invention is provided. With at least the above objects in mind, a brief comparison of the claimed invention is provided in view of the cited references.

Applicants' amendment to Claim 1 recites, *inter alia*, a recording method including:

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<sup>1</sup> Application at pages 1-3.

. . . selecting predetermined connection bits that are placed between two sequences of modulated data, each sequence corresponding to the predetermined unit, so that the absolute value of a DSV increases in only a predetermined region of a disc . . .

Hogan describes an encoder to inhibit copying of digital data. When a CD is created, EFM modulation (eight to fourteen modulator) converts each set of eight data bits into a code symbol of fourteen channel bits. Three connection bits are added between two sequences of 14 channel bits. Hogan augments the data sequences with contrived sequences large enough to cause a large accumulated DSV (digital sum variance) but prevents such an accumulation with a special encoder that chooses non-optimal sequences of the data. When the resulting CDs are re-encoded with standard encoders that do not artificially keep the accumulated DSV low, the resulting copies have sequences that cause large accumulated DSV that results in a read error.<sup>2</sup>

Conversely, in an exemplary embodiment of the Applicants' invention, the absolute value of DSV is increased in a predetermined region of the disc.<sup>3</sup> As Hogan does not disclose, or suggest that DSV is increased in a predetermined region of a disc, Applicants respectfully submit that amended Claims 1-5, 13-15, 18-19, 22, 30 and 33, which recite the aforementioned feature, are allowable over the cited reference.

#### REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claims 7-10 and 16-17 under 35 U.S.C. § 103 as being unpatentable over Hogan in further view of Ido. The Official Action contends that Hogan discloses all of the Applicants' claimed features with the exception of limitations of an initial value for the DSV or an offset in the predetermined region as given in Claims 7-9

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<sup>2</sup> Hogan at Figure 1 and column 5, lines 1 through 10.

<sup>3</sup> Application at page 18, lines 15-17.

or 16-17. The Official Action further cites Ido as disclosing these features. Applicants respectfully traverse the rejection.

As noted above, Hogan does not disclose all of the features for which it has been asserted. As Ido does not remedy the deficiency discussed above, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented. Accordingly, Applicants respectfully submit that Claims 7-10 and 16-17 are allowable over the cited combination of art.

### CONCLUSION

Consequently, in view of the foregoing amendments and remarks, it is respectfully submitted that the present Application, including Claims 1-37, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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